

# Morgan Lewis

**Michael F. Fleming**

Associate  
+1.212.309.6207  
michael.fleming@morganlewis.com

January 30, 2020

## VIA ECF

Hon. George B. Daniels  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street, Courtroom 11A  
New York, New York 10007

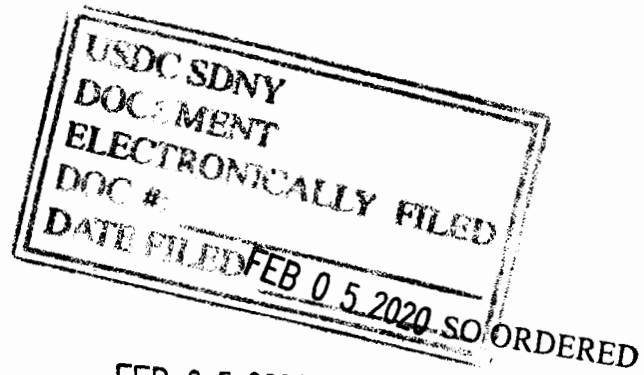
**Re: Dominguez v. Athleta LLC, Case No. 19-cv-10168**

Dear Judge Daniels:

We represent defendant Athleta LLC ("Defendant") in the above-referenced action pending before the Court. Pursuant to Rules II(A) and IV(A) of Your Honor's Individual Rules and Practices and Rule 37.2 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, we write jointly with counsel for Plaintiff Yovanny Dominguez ("Plaintiff"), respectfully to request that the Court adjourn the Initial Conference scheduled for February 6, 2020 at 9:30 a.m. to a date and time after the disposition of Defendant's motion to dismiss, which was filed on January 27, 2020, and to stay discovery during the pendency of Defendant's motion pursuant to Federal Rule of Civil Procedure 26(c). The parties have conferred in good faith and jointly request a stay of discovery.

In support of this request, counsel for the parties state that Defendant's motion may be wholly dispositive of the claims at issue in this action or may affect the scope of discovery if the claims are not dismissed. Accordingly, counsel for the parties submits that an adjournment of the Initial Conference and stay of discovery during the pendency of Defendant's motion would conserve both the Court's and the parties' resources. See *Farzan v. Bridgewater Assocs., LP*, 699 Fed. Appx. 57, 58 (2d Cir. 2017) (affirming district court's exercise of discretion to stay discovery during pendency of motion to dismiss).

We thank the Court in advance for its consideration of these requests.



FEB 05 2020

The February 6, 2020  
conference is adjourned to  
March 5, 2020 at 9:30 a.m.

*George B. Daniels*  
HONORABLE GEORGE B. DANIELS

**Morgan, Lewis & Bockius LLP**

101 Park Avenue  
New York, NY 10178-0060  
United States

+1.212.309.6000  
+1.212.309.6001

Hon. George B. Daniels  
January 30, 2020  
Page 2

Respectfully submitted,

*/s/ Michael F. Fleming*

Michael F. Fleming

Cc: All Counsel of Record (Via ECF)